IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 5889 of 2006(A)

PETITIONER:

KURANGUPARA KARSHAKA SAMITHY,
(REGISTER NO.1-171/86), KURANGUPARA,
RAJAKKAD.P.O, IDUKKI DISTRICT,
REP. BY ITS SECRETARY.

BY ADV. SRI.P.R.RAMACHANDRA MENON
SRI.UMA RANI M.N.
SRI.M.K.THANKAPPAN

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD,
(KSEB IN SHORT),
REP. BY THE SECRETARY,
VAIDYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. THE ASST. EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION-KSEB,
CHITHIRAPURAM, IDUKKI DISTRICT.

3. THE ASST. ENGINEER,
ELECTRICAL SECTION-KSEB,
RAJAKUMARI.P.O, IDUKKI DISTRICT.

4. THE CHIEF ENGINEER (IRRIGATION),
THIRUVANANTHAPURAM.

5. THE EXECUTIVE ENGINEER,
MINOR IRRIGATION DIVISION,
IDUKKI, KATTAPPANA.

6. THE ASST.ENGINEER,
MINOR IRRIGATION SECTION (PWD),
UDUMBANCHOLA, IDUKKI DISTRICT.

7. STATE OF KERALA,
REP. BY THE SECRETARY TO THE MINISTRY OF
IRRIGATION, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.N.SUDHADEVI
SC.K.S.E.B. SRI. JOSE J.MATHEIKAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.P1- TRUE COPY OF THE PROVISIONAL INVOICE CARD BEARING CONSUMER NO.1690 ISSUED BY THE KSEB.

EXT.P2- TRUE COPY OF HTE NOTICE OF DISCONNECTION ISSUED BY THE KSEB IN 1996

EXT.P3- TRUE COPY OF HTE REPRESENTATION DATED 27-1-96 PREFERRED BY HTE PETITONER BEFORE THE HON'BLE MINISTER FOR IRRIGATION.

EXT.P4- TRUE COPY OF HTE LETTER NO.A2/61/87 DATED 22-2-96 OF THE 4TH RESPONDENT SENT TO THE 2ND RESPONDENT.

EXT.P5- TRUE COPY FOHTE JUDGMENT DTAED 9-4-96 PASSED BY HTIS HON'BLE COURT IN OP.6412/96.

EXT.P6- TRUE COPY OF HTE POSTAL RECEIPT AS TO THE MONEY ORDERS SENT BY HT EPETITOENR TO THE KSEB.

EXT.P7- TRUE COPY FOTHE DISCONNECTION NOTICE ISSUED BY HTE 3RD RESPODENT ADDRESSING THE 6TH RESPONDENT AND PASTED AT THE PUMP HOUSE OF HTE COMMUNITY IRRIGATION SCHEME ON 16-2-06.

EXT.P8- TRUE COPY OFHTE REPRESENTATION DATED 17-2-06 PREFERREFD BY THE PETITONER AND OTHERS BEFORE THE 2ND RESPONDENT.

EXT.P8A- TRUE COPY OF THE REPRESENTATION DATED 17-2-06 PREFERRED BY HTE PETITOENR AND OTHERS BEFORE THE 6TH RESPONDENT.

EXT.P9- TRUE OCPY FOH TE NOTICE NO.BB ARD/06-07 DATEDNIL ISSUED BY HTE 3RD RESPONDENT, TO THE 6TH RESPONDENT.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.5889 of 2006-A

Dated this the 22nd day of March, 2007

JUDGMENT

The petitioner represents the beneficiaries of a water supply scheme in a remote village called Kurangupara. For non-payment of the electricity charges, the supply was disconnected and later, it was dismantled also. The disconnection of supply occasioned due to the dispute between the Minor Irrigation Department and the K.S.E.B. and the petitioner has no responsibility for payment of the amount. Now, it is common case that upto 31-8-2002 it is the responsibility of the Minor Irrigation Department to pay the electricity charges and thereafter it is for the beneficiary to pay as directed by this Court.

2. The learned Standing Counsel filed a statement stating that the arrears due upto 31-8-2002 will come to Rs.56,151/-. The arrears upto 31-3-2007 will come to Rs.73,492/-.

3. The petitioner has got a case that it has sent electricity charges from time to time through money orders. If the same is accounted, the amount due from it would have come down substantially. The petitioner may produce the money order receipts before the third respondent. The said officer shall give credit to the amounts already sent by money orders, if not already adjusted. The petitioner may also pay Rs.20,000/- (Rupees twenty thousand only). In that event, immediately the power supply shall be re-

effected. The third respondent may grant instalment facility to the petitioners for paying the balance amount. The petitioners shall pay the balance amount as directed by the third respondent, without fail. The 7th respondent shall ensure that the current charges due to the K.S.E.B. upto 31-8-2002 is paid to it within three months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS